

Message

From: Lisa Rector [lrector@nescaum.org]
Sent: 10/23/2019 7:07:56 PM
To: Sanchez, Rafael [Sanchez.Rafael@epa.gov]
CC: Scinta, Robert [scinta.robert@epa.gov]; Yellin, Patrick [Yellin.Patrick@epa.gov]; Battle, Jernell [Battle.Jernell@epa.gov]
Subject: RE: Guarantee of Payment - Freedom of Information Act Request (EPA-HQ-2019-008306)

Can you please advise on the following questions related to FOIA EPA-HQ-2019-008306

- 1) On October 15th, NESCAUM provided you with the written guarantee of payment for costs related to search time and duplication fees regarding our request for information submitted under the 60 day reporting requirements. We did not receive confirmation that the guarantee had been submitted. Can you please confirm request of that guarantee?
- 2) Please note, **we are not asking for information submitted to EPA to obtain certification for an appliance.** We are only requesting electronic copies of all emails and data submitted electronically, per the citations referenced in our FOIA request, related to 60 day emissions testing data. Can you please confirm that you understand the details of our request?
- 3) This information request was submitted on August 20, 2019 – 64 days ago. Per the memo from the then Acting Administrator, EPA has been directed to provide timely and transparent responses to FOIA requests (<https://www.epa.gov/sites/production/files/2018-11/documents/wheeler-messageonfoia-november132018.pdf>). A similar request to this one took 6 months to process, and I have concerns that this request may be proceeding down a similar pathway. The FOIA online tracking tool first indicated that the due date for materials was 9/19/2019, which has since been changed to 10/3/2019. Since that date has passed, I am inquiring as to current target date to provide this information. Can you please provide the date when I can expect these materials?

I look forward to your response.

Sincerely,

Lisa Rector, Stationary Source Policy and Program Director
NESCAUM

From: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Sent: Tuesday, October 15, 2019 3:57 PM
To: Lisa Rector <lrector@nescaum.org>
Cc: Scinta, Robert <scinta.robert@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>; Battle, Jernell <Battle.Jernell@epa.gov>
Subject: Re: Guarantee of Payment - Freedom of Information Act Request (EPA-HQ-2019-008306)
Importance: High

Dear Ms. Rector:

Re: Guarantee of Payment - Freedom of Information Act Request (FOIA EPA-HQ-2019-008306)

This email concerns to the above-referenced FOIA of August 20, 2019. In accordance with the FOIA of 1986, your request has been placed under the “*All Other Requests*” fee category, which means you would be charged for search time and duplication, excluding the first two hours of search time and the first 100 pages of duplication fees (United States Environmental Protection Agency (EPA) FOIA payment procedures).

We have estimated that the cost to process your request will be \$511. This estimate is based on the amount of search and review time it would take for the EPA to process your request. Unless you have received a fee waiver, the EPA FOIA payment procedures require an assurance of payment from you if fees are expected to exceed \$25.00.

For EPA to proceed with your request, you must provide the Agency with a written guarantee of payment for the costs associated with your request. Please be advised that no further action will be taken on your request until we receive your written guarantee of payment by no later than October 29, 2019. If we do not hear from you by this date, we will assume that you are no longer interested in pursuing your request and will close the request. Be sure to refer to the Freedom of Information Act Request number (EPA-HQ-2019-008306) in your response. If you have any questions, please me at 202-564-7028.

Rafael Sanchez, Ph.D.
Wood Heater Program Lead
Air Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance
U.S. Environmental Protection Agency (EPA)
Room 7149-D
1200 Pennsylvania Ave., NW
MS:2227A
Washington, DC 20460
202-564-7028
202-564-0050 fax
Teleworking on Mondays and Fridays.
You can reach me at 571-732-2018

The Excel MS EPA Certified Wood Heater List has been retired. The Agency has now developed a new fully searchable EPA Certified Wood Heater Database or <https://www.epa.gov/compliance/epa-certified-wood-heater-database>. Please try it and let us know!

From: Lisa Rector <lrector@nescaum.org>
Sent: Friday, October 11, 2019 4:24 PM
To: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Cc: Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008306 Status

Rafael, please note that our FOIA stated, "We are requesting all information EPA received as part of the 60-day reporting requirement" under the 2015 Residential Wood Heater New Source Performance Standards reporting requirements to include all non-CBI emission data to include (1) data from fully completed tests, (2) data from stopped or incomplete test reports, and (3) the data this information was submitted to EPA. We also request this data as it provides critical information to track industry compliance and assess program performance." All data includes the

emails that were required to be sent electronically, per the regulation, to WoodHeaterReports@epa.gov. Those emails provide the date of submission so my reference to the date of submission, meant we want the data and the emails sent to EPA per the regulation.

From: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Sent: Friday, October 11, 2019 4:17 PM
To: Lisa Rector <lrector@nescaum.org>
Cc: Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008306 Status

Thank you for the clarification. Please note that the original FOIA is not requesting dates (or dates the information is submitted to EPA).

Rafael Sanchez

From: Lisa Rector <lrector@nescaum.org>
Sent: Friday, October 11, 2019 4:12 PM
To: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Cc: Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008306 Status

Rafael, we are requesting both, the data and the date is was submitted to EPA.

From: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Sent: Friday, October 11, 2019 4:09 PM
To: Lisa Rector <lrector@nescaum.org>
Cc: Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008306 Status

Hi Lisa,

In your FOIA request, under #3, you are requesting “(3) the data this information was submitted to EPA” I want to make sure you are asking for the date, not the data. Please confirm.

Rafael Sanchez, Ph.D.
Wood Heater Program Lead
Air Branch
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From: Lisa Rector <lrector@nescaum.org>
Sent: Wednesday, October 9, 2019 11:47 AM
To: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Cc: Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008306 Status

We are requesting copies of the original non-CBI data for both space and central heating appliances submitted to EPA under the 60-day reporting requirement. I am not sure how I can be clearer on this request.

From: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Sent: Wednesday, October 9, 2019 11:44 AM
To: Lisa Rector <lrector@nescaum.org>
Cc: Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008306 Status

Thank you for the information. Would you clarify what you mean by "original 60-day report and the final certification" reports?

From: Lisa Rector <lrector@nescaum.org>
Sent: Wednesday, October 9, 2019 11:36 AM
To: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Cc: Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008306 Status

Rafael, we are requesting ALL data submitted under 60.537(f) AND 60.5479(f) both complete and incomplete test data, and the date that the information was submitted to EPA. For the certified appliance, it is of critical importance that we have access to the original 60-day report and the final certification test posted on the manufacturer's website. We also need access to data from those appliances that submitted a 30-day notice of intent to test but never submitted certification applications.



Lisa Rector, Policy and Program Director at **NESCAUM**

89 South Street, Suite 602, Boston, Massachusetts, 02111 | 802.899.5306 | 617.259.2095 | Fax: 617.742.9162
| lrector@nescaum.org

From: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Sent: Wednesday, October 9, 2019 11:19 AM
To: Lisa Rector <lrector@nescaum.org>
Cc: Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008306 Status

Thank you for the clarification. However, I still have questions about the type of responsive documents you are requesting. Per 60.537 (f) Within 60 days after the date of completing each performance test, e.g., initial certification test, tests conducted for quality assurance, and tests for renewal or recertification, each manufacturer must submit the performance test data electronically to WoodHeaterReports@epa.gov.

The above requirement is precisely the certification test reports provision. However, it seems that you only want data for incomplete test reports? Is that correct?

From: Lisa Rector <lrector@nescaum.org>
Sent: Wednesday, October 9, 2019 11:04 AM
To: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Cc: Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008306 Status

Rafael, here is the information you requested:

- 1) The date range is from the effective date of the rule, May 16, 2015 to September 30, 2019.
- 2) **Your interpretation of the FOIA request is incorrect.** We are requesting data submitted for the 60-day reporting requirement per Per 40 CFR60.537(f) and 60.5479(f) to include the date submitted to EPA and the non-CBI data submitted. To be clear, we are NOT requesting information submitted for certification purposes under section 60.533 or 60.5475, we are requesting data from the initial 60-day post-test reporting requirement, which is a separate requirement from a certification submission. Per the regulation, reporting shall include information any test to include: stopped, incomplete tests, and valid test completed prior to submission of certification reports and must be reported within 60 days of conducting the test.

I hope this clarifies our request.



Lisa Rector, Policy and Program Director at **NESCAUM**

89 South Street, Suite 602, Boston, Massachusetts, 02111 | 802.899.5306 | 617.259.2095 | Fax: 617.742.9162
| lrector@nescaum.org

From: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Sent: Wednesday, October 9, 2019 10:45 AM
To: Lisa Rector <lrector@nescaum.org>
Cc: Scinta, Robert <scinta.robert@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008306 Status

Good morning Lisa,

About the above-referenced FOIA, I have the following comments requiring clarification.

1. There is no date range for responsive documents; please provide.
2. The request seems to imply that you are requesting full non-CBI test reports for completed certifications ((1) *data from fully completed tests*). Is that correct?

Thank you for your assistance.

Rafael Sanchez, Ph.D.
Wood Heater Program Lead
Air Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance
U.S. Environmental Protection Agency (EPA)
Room 7149-D
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The Excel MS EPA Certified Wood Heater List has been retired. The Agency has now developed a new fully searchable [EPA Certified Wood Heater Database](https://www.epa.gov/compliance/epa-certified-wood-heater-database) or <https://www.epa.gov/compliance/epa-certified-wood-heater-database>. Please try it and let us know!

From: Lisa Rector <lrector@nescaum.org>
Sent: Tuesday, October 8, 2019 2:50 PM
To: Scinta, Robert <scinta.robert@epa.gov>
Cc: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008306 Status

Thanks for the update!

From: Scinta, Robert <scinta.robert@epa.gov>
Sent: Tuesday, October 8, 2019 1:41 PM
To: Lisa Rector <lrector@nescaum.org>
Cc: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Subject: FOIA EPA-HQ-2019-008306 Status

Hello Lisa,

Unfortunately, we are still having difficulties getting a response from our FOIA office regarding the status EPA-HQ-2019-008306. We will let you know as soon as we hear back.

Thank you.

Bob

From: Lisa Rector <lrector@nescaum.org>
Sent: Friday, October 4, 2019 4:20 PM
To: Scinta, Robert <scinta.robert@epa.gov>
Cc: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008304 Status.

Thanks for the follow-up. In the future, I will provide you with the heads up information when we file FOIAs.

Lisa



Lisa Rector, Policy and Program Director at **NESCAUM**

89 South Street, Suite 602, Boston, Massachusetts, 02111 | 802.899.5306 | 617.259.2095 | Fax: 617.742.9162
| lrector@nescaum.org

From: Scinta, Robert <scinta.robert@epa.gov>
Sent: Friday, October 4, 2019 4:16 PM
To: Lisa Rector <lrector@nescaum.org>
Cc: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Subject: Re: FOIA EPA-HQ-2019-008304 Status.

Hello Ms. Rector,

I do not believe we have heard back from the FOIA Office yet. I apologize for the delay and will follow up with them on Monday morning. Since this seems to be a reoccurring issue, for future FOIA requests, would it be possible for you to send Rafael and myself a courtesy "heads up" email to let us know it's on the way? That would help us try to jump ahead of it if it is incorrectly routed, and hopefully avoid any future delays.

Thank you.

Bob Scinta, Chief

Air Branch

Monitoring, Assistance, and Media Programs Division

Office of Compliance

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

ph: (202) 564-7171

cell: (202) 573-6442

Sent from my iPhone

On Oct 4, 2019, at 3:29 PM, Lisa Rector <lrector@nescaum.org> wrote:

Rafael, do you have any updates on the outstanding FOIA request?

From: Lisa Rector
Sent: Thursday, October 3, 2019 10:49 AM
To: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Cc: Scinta, Robert <scinta.robert@epa.gov>; Battle, Jernell <Battle.Jernell@epa.gov>; Newman, Maya <Newman.Maya@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008304 Status.

I find this strange because this happened the last time I requested 60-day test reports, it took over half a year to get a response.

From: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Sent: Thursday, October 3, 2019 10:48 AM
To: Lisa Rector <lrector@nescaum.org>
Cc: Scinta, Robert <scinta.robert@epa.gov>; Battle, Jernell <Battle.Jernell@epa.gov>; Newman, Maya <Newman.Maya@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008304 Status.

Hi Lisa,

I will need to check with the FOIA office as I didn't get FOIA EPA-HQ-2019-008306.

Rafael Sanchez

From: Lisa Rector <lrector@nescaum.org>
Sent: Thursday, October 3, 2019 9:21 AM
To: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Cc: Scinta, Robert <scinta.robert@epa.gov>; Battle, Jernell <Battle.Jernell@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008304 Status.

Rafael, I did receive data for my request EPA-HQ-2019-008304. However I submitted two requests. I have not received any data on the 60-day tests FOIA EPA-HQ-2019-008306, and per the FOIA online database the request is still processing:

From: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Sent: Thursday, October 3, 2019 9:11 AM
To: Lisa Rector <lrector@nescaum.org>
Cc: Scinta, Robert <scinta.robert@epa.gov>; Battle, Jernell <Battle.Jernell@epa.gov>
Subject: RE: FOIA EPA-HQ-2019-008304 Status.

Hi Lisa,

According to our records, your FOIA request was fulfilled on September 12, 2019. If you need assistance locating the responsive records, please contact the FOIAonline support line.

Rafael Sanchez, Ph.D.
Wood Heater Program Lead
Air Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance
U.S. Environmental Protection Agency (EPA)
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1200 Pennsylvania Ave., NW
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You can reach me at 571-732-2018

The Excel MS EPA Certified Wood Heater List has been retired. The Agency has now developed a new fully searchable [EPA Certified Wood Heater Database](https://www.epa.gov/compliance/epa-certified-wood-heater-database) or <https://www.epa.gov/compliance/epa-certified-wood-heater-database>. Please try it and let us know!

From: Sanchez, Rafael
Sent: Wednesday, October 2, 2019 11:16 AM
To: Battle, Jernell <Battle.Jernell@epa.gov>
Cc: lisa rector <lrector@nescaum.org>; Scinta, Robert <scinta.robert@epa.gov>
Subject: FOIA EPA-HQ-2019-008304 Status.

Hi Jernell,

Ms. Rector is inquiring about the status of EPA-HQ-2019-008304, which was due on September 19, 2019. Please see below email. All responsive documents were submitted to your office on September 12, 2019. Can you help her out?

Thank you.

From: Lisa Rector <lrector@nescaum.org>
Sent: Wednesday, October 2, 2019 10:43 AM
To: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Cc: Scinta, Robert <scinta.robert@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Subject: RE: wood heater database

Rafael, yes you are missing the point. These are all cordwood boilers, and the database indicates they were tested with cordwood, however, many of these units were tested with cribs. Why doesn't the central heating database delineate between those units tested with crib versus cordwood as the stove database does?

Also, can you please provide a status update on my FOIA submission, detailed below. Per the dashboard, a response was expected by September 19, 2019, almost two weeks ago. Can you please advise as to when I might expect a response to this FOIA.

From: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Sent: Wednesday, October 2, 2019 10:15 AM
To: Lisa Rector <lrector@nescaum.org>
Cc: Scinta, Robert <scinta.robert@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Subject: RE: wood heater database

Hi Lisa,

Your list is missing several central heaters. The listing you have provided only shows 59 heaters. Our records show that we have 110 CHs. The ones that you have provided are all teste fueled using cord wood. The ones that you are not listing are tested fueled using multiple fuels, i.e., wood pellets and crib wood.

Am I missing something?

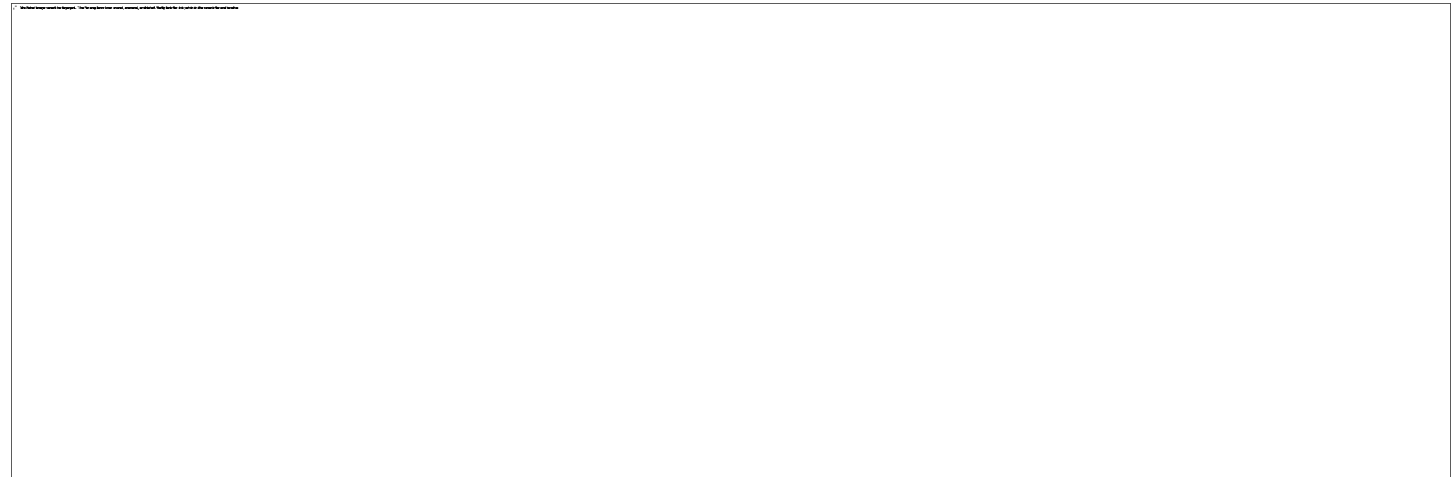
Rafael Sanchez, Ph.D.
Wood Heater Program Lead
Air Branch
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From: Lisa Rector <lrector@nescaum.org>
Sent: Monday, September 30, 2019 4:02 PM
To: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Cc: Scinta, Robert <scinta.robert@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Subject: RE: wood heater database

Rafael, here is the search that I submitted on the central heating database today. Attached is the excel spreadsheet from that search, and indicates that almost every central heater was tested with cordwood, which I believe is incorrect.



From: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Sent: Thursday, September 12, 2019 3:48 PM
To: Lisa Rector <lrector@nescaum.org>
Cc: Scinta, Robert <scinta.robert@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Subject: RE: wood heater database

Hi Lisa,

I wanted to follow up on my 8/30/19 email regarding your WHDB inquiry. As my email indicated, when I do a HH query for all HHs, the system pulls all of them, and they show various fuels, i.e., crib, pellet,

cordwood. If I can replicate your problem, it would help us pinpoint the issue. You can either call or reply to this email with a detailed description of the steps taken. Thank you.

Rafael Sanchez

From: Sanchez, Rafael
Sent: Friday, August 30, 2019 1:26 PM
To: Lisa Rector <lrector@nescaum.org>
Cc: Scinta, Robert <scinta.robert@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>; Yellin, Patrick <Yellin.Patrick@epa.gov>
Subject: RE: wood heater database

Hi Lisa,

Thank you for your 8/29/19 email regarding HHs and certification fuel used. I searched all HHs, and the DB pulled a mix of cord wood, crib wood, and wood pellets. I am not clear why you are retrieving all cord wood for all HHs (except Greentech). For your convenience, I have attached the export excel file. To ensure the WHDB accuracy, we will look into this matter and correct any data accordingly. If you have any question, please let me know.

Rafael Sanchez, Ph.D.
Wood Heater Program Lead
Air Branch
Monitoring, Assistance, and Media Programs Division
Office of Compliance
U.S. Environmental Protection Agency (EPA)
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From: Lisa Rector <lrector@nescaum.org>
Sent: Thursday, August 29, 2019 10:25 AM
To: Sanchez, Rafael <Sanchez.Rafael@epa.gov>
Cc: Scinta, Robert <scinta.robert@epa.gov>; Johnson, Steffan <johnson.steffan@epa.gov>
Subject: wood heater database

Rafael, I was trying to determine how many hydronic heaters certified with via cordwood testing. I used the database, filtering by certified fuel type and found the database identified all hydronic heaters,

except the Greentech, as using cordwood for testing. However, based on the test reports I have for almost all the hydronic heaters on the list, the reports indicate the unit were tested with cribs, not cordwood. I don't have any 30-day notice paperwork showing that the units were retested with cordwood. Can you please advise if the database is incorrect or are there new test reports that used cordwood? Thanks!

<image002.gif>

Lisa Rector, Policy and Program Director at **NESCAUM**

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617.742.9162 | lrector@nescaum.org